IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.4790 OF 2005

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Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

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Mr.S.D.Dharmadhikari for the applicant
Mr.K.V.Saste,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : AUGUST 5,2005
P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. This is an Application for anticipatory bail where the offence registered against the Applicant and other co-accused under Section 307,323,504,506 read with Section 34 of the I.P.C. The complainant has ascribed a specific role to the Applicant in the F.I.R. The allegation is that the Applicant assaulted the first informant on his head by a sickle. The learned Advocate for the Applicant submitted that the injuries on the person of the first informant are simple injuries and it is obvious that the said injuries could not have been caused by a sickle. He

therefore submitted that the Applicant is entitled to be enlarged on bail. The learned A.P.P. opposed the application by contending that the custodial interrogation of the Applicant is required. Out of four injuries sustained by the first informant three injuries are shown as simple. However the opinion regarding fourth injury is reserved as it is stated that the opinion of the Neuro physician is required. The Apex Court held that the gravity of offence and the need for custodial interrogation are the only factors which are required to be considered while deciding an application under Section 438 of Code of Criminal Procedure, 1973. In this case considering the nature of the allegations, custodial interrogation of the Applicant is required especially when it is alleged that he has used a weapon for assaulting the first informant. There is no merit in the Application and the same is rejected.

JUDGE